

REMARKS

This paper is submitted in response to the Final Office Action mailed on November 14, 2006. Claim 1 has been amended. Applicants note and appreciate the Examiner's indication of the allowability of claims 15-28 and the allowed subject matter of claims 9 and 10. Claims 1-28 now remain in the application. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

In regard to the amendments to the specification, the title has been amended to more accurately reflect the current status of the application, which includes no method claims. No new subject matter is introduced by this amendment to the specification.

Claims 1, 2, 6, 7, 13 and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 917,545 to Collier. In the Final Office Action, the Examiner asserts:

Collier is applied for the same reasons as set forth in the last office action. As to the amendment to claim 1, given that the tube includes two openings and the fill material is a fluent material, each of the openings is *capable* of receiving the fill composition - while the fill composition is in fact [sic] only filled through one of the openings. It is capable of being received in either or both. Applicant has stressed the presence of the pistons "d" in arguing that the material would or could not be introduced through the outlet "c". This argument has been carefully considered but is unpersuasive. First, it is noted that the pistons "d" are in fact apparently removed from the final tire (page 2, lines 19-45) - the final tire is thus simply a filled torodial tube with two openings, either being capable of receiving the fill. Further, it is noted that another embodiment of the tire (fig. 6) does not even use pistons, this likewise being considered to define a tire including a tube and fill with two openings that are capable of receiving the fluent fill as claimed.

(Final Office Action, page. 2).

Applicants respectfully disagree with the grounds of rejection applied by Examiner. Nevertheless, in order to advance prosecution of the present application, Applicants have amended independent claim 1 to more clearly define the invention recited by claim 1 over Collier. In particular, independent claim 1 has been amended to recite a tube comprising "four or more openings," which Collier fails to teach or suggest.

Support for this amendment to independent claim 1 can be found throughout the specification section of the application. For example, the specification recites "[t]he inner circumferential section of the tube includes two or more circumferentially spaced openings or slots cut therein" (Application, page 8, lines 8-9). Similarly, the specification also recites in pertinent part that "[the] tube 12 may include as few as 2 separate, independent openings 24 or as many as desired," which further reiterates the support required for the amendment herein. (Application, page 14, lines 8-9).

Moreover, Applicants note that claim 9, which has been allowed, recites 4-12 openings along the inner circumferential surface. Claim 1 has been amended to recite the lower end of the range recited in allowed claim 9, but to keep the upper end of the range open-ended, as was the case in original claim 1. The rejection based on Collier was focused on the lower end of the range and not the upper end of the range. Accordingly, amending claim 1 to recite "four or

more openings" takes the allowed subject matter of claim 9, at least in regard to its pertinent part, and overcomes the rejection based on Collier.

Accordingly, since amended independent claim 1 introduces no new subject matter and since it recites a combination of elements not taught or suggested by Collier, Applicants respectfully submit that independent claim 1 should be allowed.

Moreover, as claims 2, 6, 7, 13 and 14 depend from allowable independent claim 1, and further as each of these claims recites a combination of elements not taught or suggested by the prior art recited in the Final Office Action, Applicants respectfully submit that claims 2, 6, 7, 13 and 14 should be allowed as well.

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Collier. Claim 3 depends from independent claim 1, thus for the reasons stated above regarding independent claim 1, Applicants respectfully submit that claim 3 recites a combination of elements not taught or suggested by Collier and the claim should be allowed.

Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Collier and further in view of U.S. Patent No. 2,709,471 to Smith et al ("Smith"). As claims 4 and 5 depend from allowable claim 1 and as Smith fails to cure the deficiency in Collier noted above, for the reasons provided above, Applicants respectfully submit that claims 4 and 5 are allowable as well.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Collier. Claim 8 depends from independent claim 1, and for the reasons provided above for claim 1, claim 8 recites a combination of elements not taught or suggested by Collier. Accordingly, Applicants respectfully submit that claim 8 is allowable.

Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Collier in further view of at least one of U.S. Patent No. 636,896 to Clark ("Clark"), U.S. Patent No. 662,160 to Alexander et al. ("Alexander"), and U.S. Patent No. 758,209 to Hendey ("Hendey"). As claims 11 and 12 depend from allowable claim 1 and as Clark, Alexander or Hendey fails to cure the deficiencies in Collier noted above, for the reasons provided above, Applicants respectfully submit that claims 11 and 12 are allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If the Examiner believes any matter requires further discussion, the Examiner is respectfully invited to telephone the undersigned attorney so that the matter may be promptly resolved.

Applicants do not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/

Steven W. Benintendi

Reg. No. 56,297

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)